

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

DTW Marketing Research Group, Inc.,

Plaintiff,

V.

The Voxx Group, LLC d/b/a Pharma Voxx,  
HealthIQ, LLC, XIQ, LLC and John Does 1-  
99,

Defendants.

**Civil Action No. 09-6302 (SRC)**

## ORDER

**CHESLER**, District Judge

This matter comes before the Court upon the Motion to Dismiss Or, In The Alternative To Transfer Venue filed by Defendants (docket item #13). Plaintiff has opposed the motion (docket item #15). This Court has considered the submissions by the parties in connection with these motions, and adjudicates the motions based on the papers submitted and the oral arguments heard on April 13, 2010; and for the reasons discussed at oral argument; and for good cause shown,

**IT IS** on this 15<sup>th</sup> day of April, 2010,

**ORDERED** that, with Plaintiff's consent, Defendant XIQ, LLC., be and hereby is **DISMISSED** from this action without prejudice; and it is further

**ORDERED** that the motion to dismiss based on personal jurisdiction or, in the

alternative, motion to transfer be and hereby is **DENIED**; and it is further

**ORDERED** that, with Plaintiff's consent, the breach of contract claims asserted against Defendant Pharma Voxx be and hereby are **DISMISSED** without prejudice; and it is further

**ORDERED** that the remaining motions to dismiss, brought pursuant to Federal Rule of Civil Procedure 12(b)(6), by and hereby are **DENIED**.

s/ Stanley R. Chesler  
STANLEY R. CHESLER  
United States District Judge